

**UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF TEXAS
EL PASO DIVISION**

IN RE: **Tomas Javier Murga**
Julieta Zermenio Murga
 Debtor(s)

Case No. **14-31618**

Chapter 13 Proceeding

AMENDED **MODIFIED**

DEBTOR(S)' CHAPTER 13 PLAN

AND MOTIONS FOR VALUATION AND LIEN AVOIDANCE

Creditors are hereby notified that the following Plan may be amended at any time before confirmation. Any amendment may affect your status as a creditor. The Debtor's estimate of how much the Plan will pay, projected payments, and estimates of the allowed claims may also change. The following information advises creditors of the status of the case based on the information known at the time of its preparation. Any special concerns of a creditor may justify attendance at the Meeting of Creditors and such other action as may be appropriate under the circumstances. More detailed information is on file at the Office of the United States Bankruptcy Clerk in El Paso or Waco, Texas. Local Bankruptcy Rules and Standing Orders on procedures are available at the Clerk's Office and online at www.txwb.uscourts.gov.

Use of the singular word "Debtor" in this Plan includes the plural where appropriate.

Plan Summary

- A. The Debtor's Plan Payment will be **\$1,175.00 Monthly**, paid by Pay Order or Direct Pay for **60 months**. The gross amount to be paid into the plan is **\$70,500.00**.
- B. The Plan proposes to pay all allowed priority claims in full, all secured claims to the extent of the value of the collateral or the amount of the claim, whichever amount is provided for in Section VI below, and approximately **10%** of each unsecured allowed claim.

THIS PLAN DOES NOT ALLOW CLAIMS. YOU MUST FILE A PROOF OF CLAIM BY THE APPLICABLE DEADLINE TO RECEIVE DISTRIBUTIONS UNDER ANY PLAN THAT MAY BE CONFIRMED. CREDITORS ARE REFERRED TO THE FEDERAL RULES OF BANKRUPTCY PROCEDURE, THE LOCAL BANKRUPTCY RULES FOR THE WESTERN DISTRICT OF TEXAS, AND THE APPLICABLE STANDING ORDER RELATING TO CHAPTER 13 CASE ADMINISTRATION FOR THIS DIVISION, FOR INFORMATION ON THESE AND OTHER DEADLINES.

- C. The value of the Debtor's non-exempt assets is **\$0.00**.
- D. If the payment of any debt is proposed to be paid directly by the Debtor outside the Plan, it is so noted in Section VI(1), set forth below.

Plan Provisions

I. Vesting of Estate Property

- Upon confirmation of the Plan, all property of the estate shall vest in the Debtor and shall not remain as property of the estate.
- Upon confirmation of the Plan, all property of the estate shall not vest in the Debtor, but shall remain as property of the estate.
- Other (describe):

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Continuation Sheet # 1

II. Pre-Confirmation Disbursements

In accordance with the applicable Standing Order Relating to Chapter 13 Case Administration, the Debtor requests and consents to disbursement by the Chapter 13 Trustee of payments prior to confirmation of the Plan to evidence the Debtor's good faith, promote successful completion of the case, and to provide adequate protection to secured creditors. The Debtor shall remit such payments to the Trustee commencing 15 days after the filing of the petition. Provided all conditions for disbursement are met and unless otherwise ordered by the Court, the Trustee shall begin disbursing to creditors as provided below, on the first regularly scheduled disbursement after 30 days after the the petition is filed. Payments under this paragraph will cease upon confirmation of the Plan.

Creditor/Collateral	Pre-Confirmation Payment Amount	Other Treatment Remarks
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III. Executory Contracts/Unexpired Leases/Contracts for Deed

Pursuant to 11 U.S.C. §1322(b)(7) of the Bankruptcy Code, the Debtor hereby elects to assume the following executory contracts, unexpired leases, and/or contracts for deed, if any:

Creditor Name	Description of Contract	Election	In Default
(None)			

Pursuant to 11 U.S.C. §1322(b)(7) of the Bankruptcy Code, the Debtor hereby elects to reject the following executory contracts, unexpired leases, and/or contracts for deed, if any:

Creditor Name	Description of Contract	Election	In Default
(None)			

IV. Motion to Value Collateral Pursuant to 11 U.S.C. § 506

The Trustee shall pay allowed secured claims, which require the filing of a proof of claim, to the extent of the value of the collateral or the amount of the claim, whichever amount is provided for in Section VI(2), hereof, plus interest thereon at the rate specified in this Plan. Except for secured claims for which provision is made to pay the full amount of the claim notwithstanding the value of the collateral, the portion of any allowed claim that exceeds the value of the collateral shall be treated as an unsecured claim under Section VI(2)(F).

The Debtor(s) move(s) to value the collateral described below in the amounts indicated. The values as stated below represent the replacement values of the assets held for collateral, as required under Section 506(a)(2). Objections to valuation of collateral proposed by this Motion and Plan must be filed no later than ten (10) days prior to the confirmation hearing date. If no timely response or objection is filed, the relief requested may be granted in conjunction with confirmation of the Plan.

Creditor / Collateral	Estimated Claim	Value of Collateral	Monthly Payment or Method of Disbursement	Interest Rate	Anticipated Total to Pay	Other Treatment/Remarks
El Paso Area Teachers FCU 2011 Chevy Avalanche	\$22,692.93	\$21,150.00	Pro-Rata	5.25%	\$24,008.61	

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"I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on December 3, 2014 ."

/s/ Tomas Javier Murga

Debtor

/s/ Julieta Zermenio Murga

Joint Debtor

V. Motion to Avoid Lien Pursuant to 11 U.S.C. § 522(f)

The Bankruptcy Code allows certain liens to be avoided. If a lien is avoided, the claim will not be treated as a secured claim but as an unsecured claim under Section VI(2)(F).

The Debtor moves to avoid the following liens that impair exemptions. Objections to lien avoidance as proposed in this Plan must be filed no later than ten (10) days prior to the confirmation hearing date. If no timely objection is filed, the relief requested may be granted in conjunction with confirmation of the Plan. (Debtor must list the specific exempt property that the lien impairs and the basis of the lien--e.g., judicial lien, nonpurchase-money security interest, etc.)

Creditor / Property subject to lien	Amount of Lien to be Avoided	Remarks

VI. Specific Treatment for Payment of Allowed Claims

1. PAYMENTS TO BE MADE BY THE DEBTOR DIRECTLY TO CREDITORS, INCLUDING POST-PETITION DOMESTIC SUPPORT OBLIGATIONS

A. Debtor(s) shall pay the following creditors directly. Creditors with claims based on a post-petition domestic support obligation ("DSO"), including all governmental units to which a DSO claim has been assigned, or is owed, or that may otherwise recover a DSO claim, MUST be paid directly. Minors should be identified by their initials only. If no DSO creditor is listed, the Debtor represents he/she has no domestic support obligation.

All direct payments listed below shall be made in addition to the Plan payments made by Debtor to the Chapter 13 Trustee as herein set forth. Secured creditors who are paid directly shall retain their liens, and the Debtor(s) shall maintain insurance on the collateral, in accordance with the terms of the documents creating the lien on the collateral.

Creditor / Collateral, if any (including the name of each DSO creditor)	Remarks	Debt Amount	Payment Amount/Interval
Lobel Financial Corp 2007 Toyota Corolla.	cosigned for daughter/she pays	\$8,084.00	\$350.00
Rocky Mountain Mortgage 3221 Destiny Point, El Paso, TX		\$136,028.53	\$1,275.00
Tax Assessor/Collector 3221 Destiny Point, El Paso, TX	2014 & Future Tax - Escrowed		

B. Debtor surrenders the following collateral. Confirmation of the Plan shall operate to lift the automatic stay provided by 11 U.S.C. § 362(a) with respect to the collateral listed, and any unsecured deficiency claim may be filed in accordance with the procedures set forth in the Standing Order Relating to Chapter 13 Case Administration for this Division.

Creditor/Collateral	Collateral to Be Surrendered

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2. PAYMENTS TO BE MADE BY TRUSTEE TO CREDITORS

A. Administrative Expenses

Administrative Expenses shall include the Trustee's commission and debtor's attorney's fees. The Trustee shall receive up to 10% of all sums received. No fees or expenses of counsel for the debtor(s) may be paid until the filing fee is paid in full, and any fees and expenses that are allowed in addition to the fees and expenses originally agreed to be paid, may be paid only after all prior allowed fees and expenses have been paid.

Creditor	Estimated Amount of Debt	Payment Method: before secured creditors, after secured creditors, or along with secured	Remarks
Davis Law Firm	\$3,200.00	Along With	

B. Priority Claims, Including Domestic Support Obligation Arrearage Claims

Creditor	Estimated Amount of Debt	Payment Method: before secured creditors, after secured creditors, or along with secured	Remarks
Internal Revenue Serv.	\$5,113.24	Along With	1040 Taxes

C. Arrearage Claims

Creditor / Collateral	Estimated Claim	Estimated Value of Collateral	Monthly Payment or Method of Disbursement	Interest Rate	Anticipated Total to Pay	Other Treatment/Remarks
Rocky Mountain Mortgage 3221 Destiny Point, El Paso, TX	\$8,275.32	\$8,275.32	Pro-Rata	6%	\$9,568.41	Arrears thru 10/2014

D. Cure Claims on Assumed Contracts, Leases, and Contracts for Deed

Creditor/Subject Property, if any	Estimated Amount of Cure Claim	Monthly Payment or Method of Disbursement	Remarks

E. Secured Creditors

Secured creditors shall retain their liens on the collateral that is security for their claims until the earlier of the date the underlying debt, as determined under non-bankruptcy law, has been paid in full, or the date of discharge under 11 U.S.C. § 1328. Therefore, if the debtor's case is dismissed or converted without completing of all Plan payments, the liens shall be retained by the creditors to the extent recognized by applicable non-bankruptcy law.

Creditor/Collateral	Estimated Claim	Value of Collateral	Monthly Payment or Method of Disbursement	Interest Rate	Anticipated Total to Pay	Other Treatment/Remarks (specifically note if claim amount to be paid although greater than value of collateral)
Conns Credit Corp Furniture	\$11,862.83	\$10,140.00	Pro-Rata	5.25%	\$11,510.57	

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Conns Credit Corp Furniture	\$0.00	\$0.00	Pro-Rata	5.25%	\$0.00
Conns Credit Corp Furniture	\$0.00	\$0.00	Pro-Rata	5.25%	\$0.00
Conns Credit Corp Furniture	\$0.00	\$0.00	Pro-Rata	5.25%	\$0.00
Conns Credit Corp Furniture	\$0.00	\$0.00	Pro-Rata	5.25%	\$0.00
Conns Credit Corp Furniture	\$0.00	\$0.00	Pro-Rata	5.25%	\$0.00
El Paso Area Teachers FCU 2011 Chevy Avalanche	\$22,692.93	\$21,150.00	Pro-Rata	5.25%	\$24,008.61
Regional Mgmt Corp Furniture	\$1,201.48	\$1,201.48	Pro-Rata	5.25%	\$1,363.91
Titlemax 2006 Chevy Cobalt	\$3,026.00	\$3,550.00	Pro-Rata	5.25%	\$3,434.99

F. General Unsecured Creditors (including claims from rejection of contracts, leases and contracts for deed).

Describe treatment for the class of general unsecured creditors.

General Unsecured Creditors will receive approximately 10% of their allowed claims.

Creditor	Estimated Debt	Remarks
ACS/Panhandle Plains	\$623.00	Student Loan
ACS/Panhandle Plains	\$278.00	Student Loan
Afni	\$1,745.00	Sprint
AMCA	\$481.00	Medical collection
American Inforsource LP AS AGENT For	\$487.99	
American Med. Collection		Coll. for Labcorp
Applied Card Bank	\$1,438.00	
AT&T		Duplicate listing
BF F Elp LLC	\$770.00	
Capital One/Helzberg	\$221.00	
Capital One/Helzberg	\$130.00	
Cavalry Investments	\$452.87	Collecting for - AT&T/Cingular
CBCS		Coll. for Applied Bank
Chamizal Emergency Physician	\$506.00	
Chase	\$399.00	
Commonwealth Financial	\$483.00	Chamizal Emerg
Conns Credit Corp	\$1,722.83	Unsecured portion of the secured debt (Bifurcated)
Credit One Bank		Duplicate listing
Del Sol Medical Center	\$450.00	
DSRM National Bank/Diamond Shamrock/Vale	\$298.00	
El Paso Area Teachers FCU	\$1,542.93	Unsecured portion of the secured debt (Bifurcated)
Enhanced Recovery Corp	\$541.00	AT&T
Enhanced Recovery Corp	\$478.00	Sprint

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Evolve Federal Cu	\$212.00	
Foundation Surgical Hospital	\$1,000.00	
GECRB/ Dillards	\$169.00	
GEMB/Walmart	\$240.00	
Ginny's/Seventh Avenue	\$560.82	
Labcorp Corporation of America Holdings	\$482.00	
Las Palmas Medical Center	\$326.00	
Linebarger Goggan Blair & Sampson, LLP		Attys for Tax Assessor
LVNV Funding LLC	\$2,686.00	Credit One
NCO Financial		Collecting for - Las Palmas
Nelnet	\$8,817.63	Student Loan
Nelnet		Student Loan
Onemain Financial	\$8,473.00	
Panhandle-Plains	\$281.65	Student Loan
Panhandle-Plains	\$630.37	Student Loan
Pinnacle Credit Service	\$1,397.00	Verizon
Portfolio Recovery	\$757.00	GE Capital
Sprint Bankruptcy	\$2,223.43	
Target/TD Bank	\$454.66	
Target/TD Bank Usa	\$343.51	
Texas Guaranteed St. Loan		Student Loan
Texas Guaranteed St. Loan	\$9,030.32	Student Loan
Transworld Systems Inc.	\$569.00	Music Arts Centers
Veldos, LLC		Pendrick Cap/Chamizal Emerg
Verizon Wireless		Duplicate listing
West Asset	\$325.00	Las Palmas
World Finance	\$526.30	

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Totals:

Administrative Claims	<u>\$3,200.00</u>
Priority Claims	<u>\$4,973.29</u>
Arrearage Claims	<u>\$8,275.32</u>
Cure Claims	<u>\$0.00</u>
Secured Claims	<u>\$35,517.48</u>
Unsecured Claims	<u>\$52,692.26</u>

VII. Supplemental Plan Provisions

The following are the Supplemental Plan Provisions:

:

- A. Pursuant to 11 U.S.C. §1322(a)(1) of the Bankruptcy Code, the Debtor(s) shall submit all or such portion of future earnings or other future income of the debtor to the supervision and control of the trustee as is necessary for the execution of the plan.
- B. The Debtor(s) further agree, to report to the Trustee any changes in income that would necessitate modifying their plan by either increasing or decreasing their plan payment or increasing or decreasing the percentage payout to unsecured creditors.
- C. Confirmation of the Plan shall constitute authority for creditors, such as lien-holders on real property and lien-holders on vehicles, especially where the creditor is scheduled as "direct pay" or "outside," to send monthly statements as a convenience to the Debtor(s) and such statements shall not be considered a violation of the provisions of the automatic stay.
- D. If any unscheduled creditor files a timely claim, with proper attachments, the Plan will provide for that claim as filed unless objected to by the Debtor. The secured creditors will be paid 8% interest.
- E. If additional funds become available, creditors may receive higher monthly payments.

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Respectfully submitted this date: 12/3/2014.

/s/ Eric Martinez

Eric Martinez
4530 Montana Ave, Suite B
El Paso, TX 79903-4706
Phone: (915) 565-4669 / Fax: (915) 562-7032
(Attorney for Debtor)

/s/ Tomas Javier Murga

Tomas Javier Murga
3221 Destiny Point
El Paso, TX 79938
(Debtor)

/s/ Julieta Zermenio Murga

Julieta Zermenio Murga
3221 Destiny Point
El Paso, TX 79938
(Joint Debtor)

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Julieta Zermenio Murga
Joint Debtor

CHAPTER 13

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that on December 4, 2014, a copy of the attached Chapter 13 Plan, with any attachments, was served on each party in interest listed below, by placing each copy in an envelope properly addressed, postage fully prepaid in compliance with Local Rule 9013 (g).

/s/ Eric Martinez

Eric Martinez
 Bar ID:24034822
 Davis Law Firm
 4530 Montana Ave, Suite B
 El Paso, TX 79903-4706
 (915) 565-4669

ACS/Panhandle Plains xxxxxx8272 501 Bleecker St Utica, NY 13501	American Inforsource LP AS AGENT For T-Mobile/T-Mobile USA Inc. P.O. Box 248848 Oklahoma City, OK 73124-8848	BF F Elp LLC xxxxxxxx8439 424 N Yarborough El Paso, TX 79915
ACS/Panhandle Plains xxxxxx8271 501 Bleecker St Utica, NY 13501	American Med. Collection xxx xxxxxx8A22 4 Westchester Plaza, S-110 Elmsford, NY 10523	Capital One/Helzberg xxxxxxxxxxxx3985 26525 N Riverwoods Blvd Mettawa, IL 60045
Afni xxxxxx8827 Attention: Bankruptcy 1310 Martin Luther King Dr Bloomington, IL 61701	Applied Card Bank xxxxxxxxxxxx1299 Attention: Bankruptcy PO Box 17125 Wilmington, DE 19850	Capital One/Helzberg xxxxxxxxxxxx4372 26525 N Riverwoods Blvd Mettawa, IL 60045
AMCA xxxxxxxxxxxx5220 2269 S Saw Mill Elmsford, NY 10523	AT&T Bankruptcy Department P.O. Box 769 Arlington, TX 76004	Cavalry Investments 7494 500 Summit Lake Dr., Ste. 400 Valhalla, NY 10595-2322

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Julieta Zermenio Murga
Joint Debtor

CHAPTER **13****CERTIFICATE OF SERVICE**

(Continuation Sheet #1)

CBCS xxxx8632 P.O. Box 2589 Columbus, OH 43216	Conns Credit Corp xxxxx8831 3295 College St Beaumont, TX 77701	DSRM National Bank/Diamond Shamrock/Vale xxxxxxxxxxxx0000 PO Box 631 Amarillo, TX 79105
Chamizal Emergency Physician xxxxxx6230 P.O. Box 98620 Las Vegas, NV 89193	Conns Credit Corp xxxxx2731 3295 College St Beaumont, TX 77701	El Paso Area Teachers FCU xxxx / 5983 12020 Rojas Dr. El Paso, TX 79936
Chase xxxxxxxxxxxx4376 P.O. Box 15298 Wilmington, DE 19850	Conns Credit Corp xxxxx2730 3295 College St Beaumont, TX 77701	Enhanced Recovery Corp xxxxx3073 Attention: Client Services 8014 Bayberry Rd Jacksonville, FL 32256
Commonwealth Financial xxxxxx73N1 245 Main St Dickson City, PA 18519	Conns Credit Corp xxxxx2733 3295 College St Beaumont, TX 77701	Enhanced Recovery Corp xxxx2533 Attention: Client Services 8014 Bayberry Rd Jacksonville, FL 32256
Conns Credit Corp xxxxx8830 3295 College St Beaumont, TX 77701	Credit One Bank P.O. Box 98873 Las Vegas, NV 89193	Evolve Federal Cu xxxxxx0001 8840 Gazelle Dr El Paso, TX 79925
Conns Credit Corp xxxxx2732 3295 College St Beaumont, TX 77701	Del Sol Medical Center xxxx7524 P.O. Box 99400 Louisville, KY 40269-0400	Foundation Surgical Hospital xx2513 P.O. Box 730966 Dallas, TX 75373

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Joint Debtor

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CERTIFICATE OF SERVICE

(Continuation Sheet #2)

GECRB/ Dillards xxxxxxxxxxxx7419 Attn: Bankruptcy PO Box 103104 Roswell, GA 30076	Labcorp Corporation of America Holdings xxx xxxxxxxx5220 P.O. Box 2240 Burlington, NC 27216-2240	Nelnet 4849 3015 South Parker Rd., S-400 Aurora, CO 80014
GEMB/Walmart xxxxxxxxxxxx0309 Attn: Bankruptcy PO Box 103104 Roswell, GA 30076	Las Palmas Medical Center xxxx2731 P.O. Box 99400 Louisville, KY 40269-0400	Nelnet 4949 121 S. 13th St. Lincoln, NE 68508
Ginny's/Seventh Avenue xxxxxxxxxx1630 c/o Creditors Bankruptcy Serv. P.O. Box 800849 Dallas, TX 75380	Linebarger Goggan Blair & Sampson, LLP xxxx-xxx-xxxx-4000 711 Navarro, Suite 300 San Antonio, TX 78205	Onemain Financial xxxxxxxxxxxx5393 Bankruptcy Department 6801 Colwell Blvd. Irving, TX 75039
Internal Revenue Serv. P.O. Box 7346 Philadelphia, PA 19101	Lobel Financial Corp xx1045 Attn: Bankruptcy PO Box 3000 Anaheim, CA 92803	Panhandle-Plains 0827 c/o Texas Guaranteed St. Loan P.O. Box 83100 Round Rock, TX 78683
Internal Revenue Serv. 300 E. 8th Street, STOP 5026 AUS Austin, TX 78701	LVNV Funding LLC xxxxxxxxxxxx6076 P.O. Box 10497 Greenville, SC 29603	Pinnacle Credit Service xxxx5003 Attn: Bankruptcy PO Box 640 Hopkins, MN 55343
Internal Revenue Service P.O. Box 7346 Philadelphia, PA 19101	NCO Financial xxxx2031 P.O. Box 15618, Dept. 38 Wilmington, DE 19850	Portfolio Recovery xxxxxxxxxxxx1690 Attn: Bankruptcy P.O. Box 41067 Norfolk, VA 23541

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Regional Mgmt Corp xxxxxx6801 P.O. Box 776 Mauldin, SC 29662	Tax Assessor/Collector xxxx-xxx-xxxx-4000 P.O. Box 2992 El Paso, TX 79999	U.S. Attorney General Main Justice Building, Rm. 5111 10th & Constitution Ave., N.W. Washington, DC 20530
Rocky Mountain Mortgage 0908 P.O. Box 371370 El Paso, TX 79937	Texas Guaranteed St. Loan 3502 Attn: Bankruptcy Dept. P.O. Box 659602 San Antonio, TX 78265	U.S. Attorney's Office Western Dist. of Texas 601 N.W. Loop 410, Suite 600 San Antonio, TX 78216
Sprint Bankruptcy P.O. Box 7949 Overland Park, KS 66207-0949	Texas Guaranteed St. Loan 3503 P.O. Box 83100 Round Rock, TX 78683	Veldos, LLC xxx7796 P.O. Box 2824 Woodstock, GA 30188
Stuart C. Cox 1760 N. Lee Trevino El Paso, TX 79936	Titlemax 12496 Montana Ave. El Paso, TX 79938	Verizon Wireless P.O. Box 26055 Minneapolis, MN 55426
Target/TD Bank xxxxx9087 c/o Weinstein, Pinson & Riley, PS 2001 Western Ave., S-400 Seattle, WA 98121	Tomas Javier Murga 3221 Destiny Point El Paso, TX 79938	West Asset xxxx0870 2703 North Highway 75 Sherman, TX 75090
Target/TD Bank Usa xxxxx6194 c/o Weinstein, Pinson & Riley, PS 2001 Western Ave., S-400 Seattle, WA 98121	Transworld Systems Inc. xxxx0222 2235 Mercury Way, Ste 275 Santa Rosa, CA 95407	World Finance xxxxxx1401 7021 Alameda Ave., S-C El Paso, TX 79915